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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,420	05/24/2001	Steven A. Eiche	2856-38	6322

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EXAMINER	
SHARMA, SUJATHA R	

ART UNIT	PAPER NUMBER
2684	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/866,420	EICHE ET AL.	
	Examiner	Art Unit	
	Sujatha Sharma	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is directed to an apparatus wherein the claim points out that the voice signal is present continuously and also absent for 5 seconds.

Claim needs to be corrected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,5-13,15,16,18-21,23,24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes [US 5,867,794].

Regarding claim 1, Hayes discloses a method of operating a wireless telephone communication device in a hands free mode with detected audio being relayed for output on the speakers of the radio. Hayes further discloses a method of determining the presence of a signal output from a wireless communications device comprising:

- receiving a received signal by signal determining circuitry from a wireless communications device; see objects of invention, and col. 3, lines 15-23, col. 5, lines 10-41;
- analyzing said received signal related to determining whether said received signal comprises at least a first predetermined signal that includes an audible frequency; see objects of invention and col. 3, lines 15-23, col. 5, lines 10-41.

Regarding claims 2,3 Hayes further discloses a method wherein said audible frequency comprises at least one of a ring signal, a voice signal, a dial tone, and a key press signal and within the range of human hearing. See objects of invention and col. 3, lines 15-23.

Regarding claim 5, Hayes further discloses a method further comprising using said received signal to control an audio system if said received signal includes said first predetermined signal. See col. 1, lines 33-45, objects of invention and col. 3, lines 15-23.

Regarding claim 6, Hayes further discloses a method wherein if said received signal is determined to comprise at least a first predetermined signal that includes an audible frequency, said method further comprises:

- generating a second signal; see col. 3, lines 24-43, col. 5, lines 10-41
- providing said second signal to an audio system. see col. 3, lines 24-33

Regarding claim 7, Hayes further discloses a method wherein said step of analyzing said received signal comprises determining whether said received signal includes predetermined audible frequencies. See objects of invention and col. 3, lines 15-23.

Regarding claim 8, Hayes further discloses a method wherein said generating step comprises asserting an audio mute signal to control at least a first input to said audio system. See col. 1,lines 33-45.

Regarding claim 9, Hayes discloses a method wherein said generating step comprises asserting an audio mute signal to reduce an amplitude of at least a first input to at least a first speaker of said audio system. See col. 1, lines 33-45 and lines 65-67.

Regarding claim 10, Hayes discloses a method wherein said wireless communications device is a portable cellular telephone. See objects of invention.

Regarding claim 11, Hayes discloses a method further comprising at least one of filtering, amplifying and squaring said received signal. See objects of invention, col. 3, lines 15-23.

Regarding claim 12, Hayes further discloses a method further comprising changing to an in-call mode when said received signal includes said first predetermined signal and determining that said wireless communications device is in use if an in-call status signal is received from said wireless communications device. See col. 5, line 55 – col. 6, line 9.

Regarding claim 13, Hayes further discloses a method further including detecting that said in-call status signal is not present and controlling an audio system after said detecting step. See col. 5, line 55 – col. 6, line 9.

Regarding claim 15, Hayes discloses an apparatus for determining the presence of a signal output from a wireless communications device to control an audio system, comprising:

- determining circuitry for receiving a received signal from the wireless communications device and processing said received signal to provide an output signal, said received signal including an audible signal; see objects of invention, and col. 3, lines 15-23, col. 5, lines 10-41;
- control circuitry in operative communication with said determining circuitry that receives said output signal and generates a control signal to control an audio system located in a vehicle. see col. 3, lines 24-43, col. 5, lines 10-41

Regarding claim 16, Hayes further discloses a method wherein said audible frequency comprises at least one of a ring signal, a voice signal, a dial tone, and a key press signal and within the range of human hearing. See objects of invention and col. 3, lines 15-23.

Regarding claim 18, Hayes further discloses an apparatus wherein said control signal is used to at least attenuate a signal from the audio system in the vehicle. See col. 1, lines 33-45 and lines 65-67.

Regarding claim 19, Hayes discloses a method further comprising at least one of filtering, amplifying and squaring said received signal. See objects of invention, col. 3, lines 15-23.

Regarding claim 20, Hayes further discloses an apparatus wherein said determining circuitry is operatively associated with in-call status circuitry and in which said control signal is generated when at least one of a first predetermined signal and a signal provided by said in-call status circuitry is present. See col. 5, line 55 – col. 6, line 9.

Regarding claim 21, Hayes further discloses an apparatus wherein said first predetermined signal includes a voice signal and said control signal is present when said voice signal is continuously present. See objects of invention and col. 5, line 55 – col. 6, line 9.

Regarding claim 23, Hayes further discloses a mobile phone in a docking station (see col. 4, lines 1,2 and lines 35-39). Hayes further discloses a method for detecting audio signals from a wireless communications device, comprising:

- receiving at a docking station at least a first signal from a wireless communications device; see objects of invention, and col. 3, lines 15-23, col. 5, lines 10-41;
- processing said at least a first signal; and analyzing said at least a first signal, wherein in response to determining that said at least a first signal contains at least a first audible frequency, an in-call mode is entered. see objects of invention and col. 3, lines 15-23, col. 5, lines 10-41.

Regarding claims 24, Hayes further discloses a method wherein said audible frequency comprises at least one of a ring signal, a voice signal, a dial tone, and a key press signal. See objects of invention and col. 3, lines 15-23.

3. Claims 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Juntunen [EP 0 920 170 A2].

Regarding claim 23, Juntunen further discloses a mobile phone in a docking station (see col. 4, lines 1,2 and lines 35-39). Juntunen further discloses a method for detecting audio signals from a wireless communications device, comprising:

- receiving at a docking station at least a first signal from a wireless communications device; see col.2, lines 23-49,col. 5, lines 19,20, lines 46-56;
- processing said at least a first signal; and analyzing said at least a first signal, wherein in response to determining that said at least a first signal contains at least a first audible frequency, an in-call mode is entered. see col.6, lines 1-58.

Regarding claims 24, Juntunen further discloses a method wherein said audible frequency comprises at least one of a ring signal, a voice signal, a dial tone, and a key press signal. See col.2, lines 23-49,col. 5, lines 19,20, lines 46-56.

Regarding claim 25, Juntunen discloses a method wherein said docking station comprises an adaptor. See Fig. 1 and col. 5, lines 17-20.

Regarding claim 26, Juntunen further discloses a method wherein said in-call mode comprises generating an audio system control signal. See col.6, lines 1-58

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4,17 rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes [US 5,867,794] in view of Braithberg [US 5,479,479].

Regarding claims 4,17 Hayes discloses all the limitations as claimed. However he does not disclose a method further comprising interconnecting said wireless communications device to said signal determining circuitry using a holding member of a first type if said wireless communications device is of a first type wherein said holding member of a first type is adapted to interconnect to a wireless communications device having at least a first set of physical characteristics, and wherein said holding member of a first type is incapable of interconnecting to a wireless communications device of a second type having a second set of physical characteristics.

Braithberg, in the same field of endeavor, teaches a method further comprising interconnecting said wireless communications device to said signal determining circuitry using a holding member of a first type if said wireless communications device is of a first type wherein said holding member of a first type is adapted to interconnect to a wireless communications

device having at least a first set of physical characteristics, and wherein said holding member of a first type is incapable of interconnecting to a wireless communications device of a second type having a second set of physical characteristics. See col. 1, lines 15-49.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Braithberg to Hayes in order to benefit the user by providing security against thefts.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes [US 5,867,794] in view of Sawa [US 5,437,053] and further in view of Chen [US 6,439,223].

Regarding claim 14, Hayes discloses all the limitations as claimed. However he does not disclose a method wherein said first predetermined signal includes a voice signal and said voice signal is continuously checked and, when said voice signal is not present for a predetermined time interval, controlling an audio system.

Sawa, in the same field of endeavor, teaches a method wherein when a user is in the hands-free mode, the received signal is monitored and if the signal level is below a threshold for a pre-determined amount pf time, the transmission is disabled. See col. 8, line 63 – col. 9, line 10. However, Sawa does not teach a method where in the absence of the signal, the audio system in the vehicle is controlled.

Chen teaches a method wherein the audio system of the vehicle is controlled if the voice signal is not present or communication is disabled. See col. 4, lines 3-21.

Therefore it would have been obvious to one with ordinary skill in the art to modify the combination of Hayes and Sawa with the teachings of Chen in order to facilitate the user to revert back to listening to the radio after the completion /loss of voice communication.

7. Claims 27,28 rejected under 35 U.S.C. 103(a) as being unpatentable over Juntunen [EP 0 920 170 A2] in view of Kinzalow [US 6,052,603].

Regarding claim 27, Juntunen discloses all the limitations as claimed. However he does not disclose a method wherein said in-call mode is maintained for at least a first period of time after it has been entered.

Kinzalow, in the same field of endeavor, teaches a method wherein said in-call mode is maintained for at least a first period of time after it has been entered. See col. 5, lines 60-67. Therefore it would have been obvious to one with ordinary skill in the art to provide the above teachings of Kinzalow to Juntunen in order to make the signal is present and avoid unnecessary switching between the in-call mode and the radio mode.

Regarding claim 28, Juntunen further discloses a mobile phone in a docking station (see col. 4, lines 1,2 and lines 35-39). Juntunen further discloses a method for detecting audio signals from a wireless communications device, comprising:

- receiving at a docking station at least a first signal from a wireless communications device; see col.2, lines 23-49,col. 5, lines 19,20, lines 46-56;
- processing said at least a first signal; and analyzing said at least a first signal, wherein in response to determining that said at least a first signal contains at least a first audible frequency, an in-call mode is entered. see col.6, lines 1-58.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thean [GB 2 305 066 A]	Car radio adapter for cellular telephone
Fenske [WO 98/57434]	Car radio with a dismountable operating and telephone unit
Junichi [GB 2 264 613 A]	Car telephone/entertainment system
Cross [WO 97/13332]	A hands free mobile telephone kit
Shoval EP 1 047 248 A1]	Hands free device for cellular phone system
Guntzer [US 6,226,497]	Motor vehicle built-in unit for mobile telephone

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sujatha Sharma
March 17, 2004

NAY MAUNG
SUPERVISORY PATENT EXAMINER